

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Marissa Cotton,

Plaintiff,

Case No. 22-cv-10358

v.

Judith E. Levy

United States District Judge

Adrian College, Adrian College  
President and Board of Trustees,  
Kathy Morris *in her official and  
individual capacity*, and Katherine  
Crawford *in her individual  
capacity*,

Defendants.

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**ORDER DISMISSING DEFENDANT KATHERINE CRAWFORD  
FOR FAILURE TO SERVE**

On March 28, 2023, the Court entered an order adopting Magistrate Judge Curtis Ivy, Jr.'s Report and Recommendation, denying Plaintiff Marissa Cotton's objections, and granting Defendants Adrian College, Adrian College Board of Trustees, and Kathy Morris' motion to dismiss. (ECF No. 16.) The Court also ordered Plaintiff to show cause why Defendant Katherine Crawford should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m). (*Id.* at PageID.199.) On April 7,

2023, Plaintiff responded to the Court’s order to show cause. (ECF No. 17.)

As the Court noted in its show cause order, Rule 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” (ECF No. 16, PageID.199 (quoting Fed. R. Civ. P. 4(m)).) “Absent a showing of good cause to justify a failure to effect timely service, the Federal Rules of Civil Procedure compel dismissal.” *Claybron v. Deangelo*, No. 2:21-cv-11953, 2022 WL 5236843, at \*1 (E.D. Mich. Aug. 25, 2022) (quoting *Byrd v. Stone*, 94 F.3d 217, 219 (6th Cir. 1996)), *report and recommendation adopted*, No. 21-cv-11953, 2022 WL 5199879 (E.D. Mich. Oct. 5, 2022). Here, Plaintiff states that “there is no reason why the action should not be dismissed against Katherine Crawford” and that the Court “should dismiss her as appropriate.” (ECF No. 17, PageID.201–202.)

Accordingly, the Court DISMISSES Defendant Katherine Crawford WITHOUT PREJUDICE pursuant to Rule 4(m).

IT IS SO ORDERED.

Dated: April 12, 2023  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 12, 2023.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager